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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,109	10/22/2001	Dany Margalit	06727/0204120-US0	5947

7590   06/30/2006

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EXAMINER
HENNING, MATTHEW T

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)
	10/037,109	MARGALIT ET AL.
	Examiner	Art Unit
	Matthew T. Henning	2131

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>12 June 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☒ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: *None*.

    Claim(s) objected to: _____.

    Claim(s) rejected: *1-88,113-147,172-206 and 231-243*.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

Continuation of 3. NOTE: The added limitations have not been presented prior to the amendment after final and as such require further search and consideration. Furthermore, there is no support for the limitation of examining two characteristics at the same point in time..

Continuation of 11. does NOT place the application in condition for allowance because: Regarding the applicants' arguments pertaining to the teachings of the cited prior art, and the features which have been argued as missing from the prior art, the examiner points out that these features are recited in the claim amendment, which has not been entered. Therefore, the arguments have not been further addressed.

Regarding applicants' argument that the copyright date of Curtis ("Top 10 Tips for Avoiding Viruses") is merely alleged by the author of the website, and that no evidence has been provided that this is in fact prior art, the examiner does not find the argument persuasive. Attached is an archive copy of the document, archived by WAYBACKMACHINE as being available no later than April 09, 2001, which antedates the filing date of the instant application, and as such is prior art. Therefore, the examiner does not find the argument persuasive..

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment to Advisory Action

Speedbrake.com
A practical guide for getting more from the Internet

Key Advice

Top 10 Lists for E-mail
General E-mail Advice
E-mail in the Office
Avoiding Spam
E-mail Privacy
E-mail Style and Grammar

Top 10 Lists for the Web
Using the Web Effectively
Searching the Web
The Web at Work
Privacy on the Web
Evaluating a Site
Designing a Site
Managing a Site

Other Advice
Copyright Issues

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Top 10 Tips for Avoiding Viruses

Viruses are an inescapable part of the Internet experience. Depending on the virus, the effect can range from amusing to devastating. When it comes to dealing with the hazards posed by viruses, prevention is much easier than a cure. The following tips will prevent most viruses from ever affecting your computer or computer system.

1. **Beware of unexpected or unsolicited e-mail attachments**
   Because e-mail is one of the primary ways to exchange information among Internet users, it is also a key method for spreading viruses. A basic plain text e-mail is unable to transmit most viruses. It is the attachment to the e-mail that contains the potential hazard. If the attachment is unexpected or unsolicited and from an unknown sender, the wisest decision would be to delete the e-mail without opening the attachment. If the e-mail is from a known and trusted source, but you did not expect an attached file from that source, you may want to contact the sender to confirm that the attachment is legitimate.
   Review the Top 10 Tips on E-mail Attachments for other advice on how to deal with attachments.

2. **Use an anti-virus program to regularly scan your hard drive**
   Even when you exercise reasonable caution, you may still be infected by a virus. An anti-virus program can be set up to regularly check your computer or even your incoming e-mail attachments for viruses. This kind of program may even be able to constantly run in the background as you go about your work. Because viruses are being constantly created or changed, it is important to use a program that provides regular updates.

3. **Use an anti-virus program to scan all incoming e-mail attachments and all files or programs that came from someone else's computer**
   Whenever someone puts a file or a program on their computer, there is always some risk that some virus may infect that file or program and remain undetected. By scanning all incoming files and programs, you may uncover a virus that the other person may have overlooked.

4. **Update your anti-virus program regularly**
   New or improved viruses are being regularly unleashed on the Internet. Updating your anti-virus software so that it contains the latest virus definitions will decrease the likelihood that you are affected by a new type of virus.

5. **Back up your data files on a regular basis**
   In a worst case scenario, a virus may corrupt or destroy data on one or more files. Regular backups will allow you to recover more easily in the event that a virus damages your files.

6. **Purchase or obtain files or software only from trusted sources**
   When a retailer offers new software at a price that is much lower compared to the manufacturer's prices or prices charged by most retailers, that software is likely not an authorized copy. This kind of software poses many risks, including a higher risk of having one or more viruses. This tip is relevant to software or files that are downloaded over the Internet, that come as attachments to e-mail, or that is purchased at a store.

7. **Avoid forwarding e-mail attachments unless you first scan the**

attachment for viruses
If you have an anti-virus program that scans all incoming e-mail attachments, or if you scan the attachment after it arrives, then it is probably safe to forward the attachment. Otherwise, do not forward the attachment.
Review the Top 10 Tips on E-mail Attachments for other advice on how to deal with attachments.

8. **Look for an unexpected file extension on any attachment**
If the subject line or the body of an e-mail states that the attachment is a certain type of file or if the file icon implies a certain type of file and the file extension does not match, delete the file. If you trust the sender, contact that person to determine what you were supposed to have received.

9. **Data files will not carry viruses**
A file that contains only data will not carry a virus since a virus has to have some kind of executable code. For example, files ending with the extension .txt, .csv, .gif, .jpg, .mp3, .wav are common data files that would not have executable code. Files ending in .doc, .xls, .exe, and even .htm may have executable code and could potentially carry a virus.

10. **Write-protect floppy disks that will be used in a read only mode**
If you are sharing data that resides on disks or other portable storage media, use the write-protect tab to prevent an accidental insertion of a virus.

Virus Resources
McAfee.com Virus Information Library and alphabetical listing
Symantec AntiVirus Research Center
National Infrastructure Protection Center
Virus Information from Webopedia
IBM antivirus online site

INTERNET ARCHIVE
WayBackMachine

Enter Web Address: http:// | All ▾ | Take Me Back   Adv. Search Compare Archive Pages

Searched for **http://speedbrake.com/security/viruses.htm**   **5** Results

* denotes when site was updated.

Search Results for Jan 01, 1996 - Jun 26, 2006

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
0 pages	0 pages	0 pages	0 pages	0 pages	3 pages	0 pages	0 pages	1 pages	1 pages	0 pages

Apr 09, 2001 *
Aug 13, 2001
Oct 31, 2001

Jun 06, 2004 *   Feb 12, 2005 *

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